

**UNITED STATES DISTRICT COURT**  
***Eastern District of Washington***

UNITED STATES OF AMERICA

PLAINTIFF,

JUDGMENT IN A CIVIL CASE

v.

NEWMONT USA LIMITED, ET AL,

CASE NUMBER: CV-05-0020-JLQ

DEFENDANTS.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED:

JUDGMENT FOR THE UNITED STATES ON ITS CLAIMS AGAINST NEWMONT AND AGAINST DAWN, JOINT AND SEVERALLY, FOR THE RECOVERY OF \$15,822,647.85 IN COSTS INCURRED AT THE MIDNITE MINE SUPERFUND SITE THROUGHOUT DECEMBER 31, 2004 (INCLUDING PREJUDGMENT INTEREST), PURSUANT TO 42 USC 9607(a).

DECLARATORY JUDGMENT IN FAVOR OF THE UNITED STATES AND AGAINST DAWN AND AGAINST NEWMONT, JOINT AND SEVERALLY, FOR RESPONSE COSTS CONSISTENT WITH THE NATIONAL CONTINGENCY PLAN SINCE DECEMBER 31, 2004 AND TO BE INCURRED BY THE UNITED STATES IN RESPONDING TO THE RELEASE OF HAZARDOUS SUBSTANCES AT THE MIDNITE MINE SUPERFUND SITE, PURSUANT TO 113(g)(2) OF CERCLA, 42 USC 9613(g)(2). THIS PART OF THE JUDGEMENT BEARS INTEREST, ON EACH SUM OF COSTS PAID BY THE UNITED STATES, FROM THE LATER OF (i) THE DATE PAYMENT OF A SPECIFIED AMOUNT IS DEMANDED IN WRITING, OR (ii) THE DATE OF THE EXPENDITURE CONCERNED, AS PROVIDED IN 42 USC 9607(a).

JUDGMENT FOR DAWN AND FOR NEWMONT ON THEIR CLAIMS AGAINST THE UNITED STATES FOR CONTRIBUTION, PURSUANT TO 113(f) OF CERCLA, 42 USC 9613(f).

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October 17, 2008

Date

JAMES R. LARSEN

Clerk

s/ Stevie Perry

(By) Deputy Clerk

Stevie Perry